

Reserve

App. F. IX-4

Previous References

1928.
(Muzrai)

File No. 55-28

Serial Nos. 1-57

Later References

Muz. 277-33 1 3

General and Revenue Secretariat.

Serial Nos.

7

Part B for May 1929

SUBJECT

Appeal petition of Shambhaji Vaidkarnbriah of
Bommavara village re confirmation to the
of the Hiduvali Hak of Rs. 103 returned to the
Vaidkarnbriah in the Devanahalli Taluq

No. 2666 dated
29.5.1929

To the Muz. Comr

There are no grounds to interfere
with the case. The appeal is rejected



GENERAL AND REVENUE SECRETARIAT

(muzrai)

NOTES.

File No. 55-28

FILE HEADING.

Inam lands endowed to the Virakta
matt at Bommalara village in the
Dewanahalli Taluk.

FROM

Sambas Venkata Subbiah

No. Petition Dated 27.7.28 Received

Diary No.

189

Enclos. /

Spare copies -

Serial No /

BRIEF ABSTRACT OF LETTER

Appeals against the M.C.S. order
directing the confirmation to the applt
on stipulated conditions, of the Hidurvali
Hak of inam Ro. S. no. 103 endowed to the
said matt.

NOTES AND ORDERS.

The petition is duly stamped
The original and communication to
M.C.S. order, has been produced.
A dt. calling for report to the
Records, from the M.C. is
submit. for appl or assess.

LE OF THE
FIRST D.C. OF COUNCIL

8 AUG. 1928

No. 929

NOTES - File Sheet.

6.8.28

10/11/28

3/11/28

28/8

182

App. F. III-2]

General and Revenue
Secretariat.

Muz File No. 55 of 1928-29

Serial
No.

2. Muz Comr 10349 of 15.3.28
Calls for report
on the pety with connected
Records

SUS

3

From, the Muz Comr, Letter no. 329
of 12-10-1928

Submits the report with records.

Called for in Sl 3.

W

5 The m.c's order appealed against, explain
the facts of the case.

6 Uterabhadra Denaru mott ad
Bommanara Village, Denanhatti Taluk,
is a muz. instn endowed with imm
lands.

D (mgt Sec)

7 The appts. case is that by virtue
of a Sale Deed of 1869, imm S. no
125 (Re S. no. 103) of Bommanara
endowed to the instn, has been
in possession of his family since
then. The m.c has ordered that
this land will be confirmed to the
appt if he pays the up-
set price for the land and
full assessment thereon.

X

W

Y

8 He has appealed to Govt.
against this order, and prays
that for reasons stated by him

NOTE—Contn. Sheet

585
1109

App. F. III-2]

General and Revenue
Secretariat.

File No. 55 of 1924

Serial
No.

Viz long possession, and improve-
ments effected, The land may be
confirmed to him on full assessment
without demanding any up-set for
for the land -

9 It is not known whether
the question of long possession
had come up for consideration
at the time of the Inam
settlement, and if so, how
it was disposed of.

10 A Rf. calling for a copy of
the Inam register, is submitted.

MJ
1-11-1928.

11 Done
7/11/28

2 From, the Inam Super-
Letter no 889 dt 10 11 1928.

Call for the Inam extract

3 From, the Super Same officer,
Letter no 109 dt 16 1 1929
Submits a copy of the
Inam register

12 It is seen from the Inam
extract that the land was con-
firmed as Demadaya for the
purpose of Territorial Revenue
map

9

Serial
No.

stands to be the dwelling house of
The 2 jangams in col. 15 viz
Nandaratiah and Channa Baswa
who were enjoying the uiam in
equal shares.

D
g
13 The appls. claim is that by the
Sale Deed of 1869, uiam S. no. 125
(Re. S. no. 103) of Bonnamara
endowed to Veerabhadra Dnamma
has been in possession of his
family. The Guam Settlement
took place in 1874, and the
Guam Register is silent as to
the appls. right to the land. No
explanation is forthcoming as to
why he did not advance his
right then, and it is a point
for consideration as to why
the question should be re-opened
at this distance of time.

y
The alienation was not made
prior to 31-1-1883 nor within
50 years computing the period
of possession up to 14th Dec. 1883
under Ch. Comm. Notification of
1877, the uiam has to be
resumed as ordered by the
D.C. In his appeal petition
to Govt., he admits that he
was paying Jodi in the land

General and Revenue
Secretariat.

File No.

of 192

Serial
No.

File 1922-23, and that since then full assessment is being paid as per order of the Taluk Amildar. He cannot claim the land under the proviso of Sec. 10 viz 12 years' adverse possession, of the new muz. Regn.

14 As the matter in question is not in existence, the claim will revert ^{as such} to Govt. in the muz. Dept. for re-grant to other deserving working with as per order now under issue. Enunciating the present policy of Govt. there do not appear to be satisfactory grounds even to up-hold the m.c.s order appealed against.

If ordered, the appeal will be posted for hearing.

Submitted

AV

15.2.23

15.2.23

The order of the Taluk Amildar is hereby confirmed.

The order of adverse possession

File No. 53 of 1920.

[illegible]

16 A ^{referred} printed copy of my Son's child
Court Reports as referred to in the app
petition, is subm^{it}_{ed}.

AY 22 2 28

UW
276/2
He said to the address
of the land as he himself
admits that he was paying just
like 1922-23. & 12 years have not
elapsed therefrom. He says he
has been paying just assessment
under the order of the Board as
from 1922-23. The object of
the grant has failed. The
land has the value of just.
The thing for the Court in this case
is to see that the parties
may be given the option of accepting
just like in payment of value
which is a just assessment
19 The Court can be upheld perhaps
The Court may perhaps be heard

WD 01714-GPB-30,000-18-4-28

5146

NOTE—Contn Sheet

$$\frac{22}{2.872}$$

General and Revenue
Secretariat.

Muz. File No. 55 of 1923.

Posted to
6.4.29Serial
No.

21

Offl. notices Submitted

SV
14.3.29.
WWS22/3
WWS
11/3

23 Appellant Venkatasubbaiya present
He asked for the case being taken
up on some other day so that
he might engage a lawyer
to represent his case. This
request is granted
me.

6.4.29

6918
6/5

The case was heard on 6th April 1929.

Appellant Venkatasubbaiya was present.

24 No value can be attached to the claim
based on the sale of the land said to have taken
place in 1869 as at the subsequent Inam Settle-
ment held in 1874 the land was registered as
Devadaya. There is, however, the very important
fact that the land has been in the possession of
the family of the appellant from the year of the
Inam Settlement 1874, if not ~~earlier~~ from an
earlier date. The ^{Muzmi} institution itself is report-
ed to be no longer in existence. There is,
however, no definite information as to when the
institution

Serial
No.

institution ceased to exist. That for a number of years the Appellant and his forefathers have been enjoying the land without giving any part of its ^{income} ~~benefit~~ to the institution, is clear from the records. In view of these circumstances, it is only fair to give him the benefit of adverse possession under the second proviso to Section 10 of Regulation VII of 1927. This proviso does not allude to the levy of any upset price as ordered in this case by the Muzrai Commissioner. The Section, however, does not prohibit ^{Such} ~~the~~ levy. The Muzrai Commissioner has taken the case to be one for ~~presumption~~, but in view of its circumstances ~~xxxxxxx~~ has order^{ed} the confirmation of the land to the Appellant if he is prepared to pay a reasonable upset price and the assessment due on it. This is not a case for resumption for reasons stated above. The operative portion of the Muzrai Commissioner's order however, is correct and there is no reason to interfere with it

O R D E R

25 There are no grounds to interfere with the orders passed by the Muzrai Commissioner. The

Appeal is rejected

Muz

6.5.28

6 App. under Sub-rule

Ar

B. S. 29.

27 Then put up an endorsement to the institution

General and Revenue
Secretariat.

File No. 55 of 1928.

Serial
No.

28

Mr. East Submtr -

AV
16-4-29.

WM
16/4

29 on 15 maghe apprt

Refer)

MB

17/5

30 (This note has not been marked

here)

31 Jan

MB
27/5

6

To the B. M. ...

02668/29 52 (0

2000 of the ...

of the ...

7

...

...

020: 667 87 29 ...

I find that ...

...

...

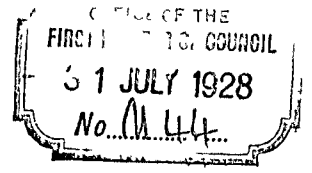
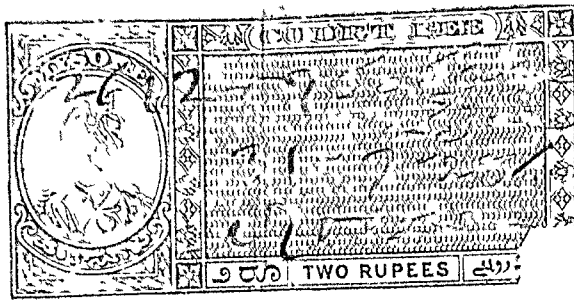
...

7374
1875

B
WM
6/6

B

Amr
Muz
31.7.25



Before The Government Of His Highness The

Maharaja of Mysore, B'lore.

Muzrai Appeal No. of 28-29.

1/8-28

9/82

Snanbhogue Venkatasubbaiya
son of Honnappa, Bomma-
vara, Devanhalli Tlq.

Appellant.

mez 53-28-

-vs-

Government. ... Respondent.

This is an appeal against the order of the Muzrai Commissioner in Mysore in - Muzrai Appeal No.22 of 1927-28 dated the - 18-4-1928/1-5-1928 directing that survey No. 103 of the village will be confirmed to the appellant if he pays the upset value for the land and full assessment thereon.

2. The appellant and his ancestors have been in an uninterrupted long possession and enjoyment of Inam Survey No.103 - since 1869. when he purchased the land by a registered sale deed from Channabasiah & others, the hukdars of the said S.No.103 - which was originally belonging to the Veera-bhadra Devara Mutt of the place.

3. Long before the land was sold - away to my ancestors, the land was in our possession alone by way of mortgage since -

the year Rakshasa prior to 1869.

4. Ever since the land has been in our possession we were paying the jodi on the land till 1922-23 and since then full assessment is being paid as per orders of the Taluq Amildar.

5. I have spent alot of money for - the improvement of the land.

6. The lower Court has not confirmed the long possession of the land.

7. The order of the lower Court is unjust and against law and equity.

8. The original sale deed is enclosed in the vernacular file of papers.

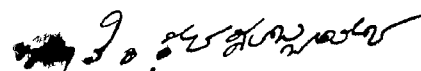
9. It may not be out of place if I mention the decision of the Chief Court published on pages 14 to 33 of the 32nd Volume in January 1927 (Mysore Chief Court Report)

10. There is no reason to pay any upset price to my ^{land} as ordered by the lower Court.

11. Attention is invited to proviso of Section 10 of the Religious and Charitable - Institutions Regulation VII of 1927.

12. In the circumstances the appellant prays the order of the lower Court be set - aside and the land confirmed to the appellant on full assessment.

Bangalore, 1
21-7-1928. 1


Appellant

APM $\frac{22}{278}$

17018000 8 12 4 29
T-5-28

చంకటాశ్వుత్పత్తయ స్మరణం. పంచాంగము 1958

[illegible]

విజ్ఞాపనం ప్రకటనం 22-27-28

[illegible]

17 June - 19
for Miami Com

A. P. E. VI. G1]

SUBJECT.....

Diary No. of letter replied to.....

Section *mur*

File No. *55-28*

Serial No. *2*

No. *349. inc 2*

General and Revenue Secretariat

the

192

To

The M.C.

Date of issue.....

15/4/28

Signed by.....

J. R. Sankar
Somnawara
By

Sir,

I am directed to forward herewith for ~~an~~ report with record S, petition no. 1822/31.7.28 from Sambaz Venkatesh Subbiah of Bommalara village in the Devanahalli Taluk, appealing against your order directing the confirmation of the on certain conditions, of the Hidimadi Hakk of same Rec. no. 103

List of enclosures.....

Copied by

Examined by

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,
Bangalore.....192

FROM

P. G. D'SOUZA, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore.

SECRET. CONFIDENTIAL
15 OCT 1955
MUZRAI

5/2/20

585

$$T_0$$

B. Srivastava Tyengar, Esq., B.A., B.L.,

~~Secret~~ as to the Government of Hiss

May 55-28-3

Highest the Maharaja of Mysore,

Γενική Ομάδα Εργασίας

SIR,

[illegible]

This copy of file No. 100-15,344 of dated 10th May 1960 containing the order appealed against is a complete copy of the order of the court is also enclosed for your reference.

The expected result on output is that the program is running in memory, the program is retransmitted.

I - 2 - 22 - 1

222

your most obedient servant,

Meeting
March 20, 1900.

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section *mun*

File No. *55-28*

Serial No. *74*

No. *889*

General and Revenue Secretariat

()
the 192

To *Mr. Emp. Supt.,*
Rev. Survey,

Date of issue..... *10/11/28*

Signed by *M. L. Sincorne*

Sir,
I am directed to request that you will be so good as to send up for reference, an extract from the settled iam register pertaining to the Grant of iam lands in Pommalura Village, Denam, hatti Taluk, for the support of Veerabheera Denam mad in the Village.

List of enclosures.....

Copied by

Examined by

I have,
over
D. A. J. Int. Secy

11/11/28

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

--	--

N B.—Should routine notes be written on small slips
the notes must be copied or slips passed on
this form.

Register Sheet No. 46

Taluk. - - Belvanahalli.

Sammak. - - Belvanahalli

Village - - Bommatara

Sammat of Wanahalli in the Taluk of Wanahalli

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam	
Where no survey has been made and no assessment fixed by Government, the cess paid by the rayats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7		If for service, it is to be stated whether the service is continued. If for tanks, buildings, etc., whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc or liable to quit-rent, i. e., jodi, etc., amount of latter to be entered
6	7	8	9
3-3-3 1-2-8. 4-5-11		For the Support of the Veerabhadra Vasera Mutt of the Village In good order	Jodi 1-7-3

DOCUMENT IN SUPPORT OF THE INAM

By whom granted
and in what year

Written instruments in support of the claim, original summed, all miscellaneous documents, and other proofs of long possession

In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, etc., and the general specification of terms of all documents produced should be given

10

11

of Bangalore

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poomah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
	gave accounts	
	1801	1832
	Chacka Veera Bhadra	
	Vader	As in column 13
	Long 2 3/4 Good	
	11 Fans	Account No. 2 of 18, 11
	wer 1 Good	Same
	7 Seers	1-1-3
	4 Fans	
	5 Fans	
	Joch	

Division

LENGTH OF POSSESSION

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam Assistant's opinion and recommendation

Review by the Special Assistant and confirmation by the Inam Commissioner

19

20

Whole grant

(ould) T block Kitho.
offg and Supdt. ~~offg~~
27-74

A notice dated 24th March 1873
was served on the 25th
The party has not yet filed
the necessary statement
To be attached from the 25th
March 1873

(ould), V N Narasimhaengar
6-6-73 Assistant

The statement was filed on the
17th inst The Inam is valid
Area as in loc 4 The Hall in
this case is said to be the dwelling
house of the Gangams
in column 15

To be confirmed so long as
the institution is kept in
good order, on foot of the 1-7-0

(Sd) V N Narasimhaengar
19.6.13 Assistant

1 Valid Beladaya, Tasy
2 confirmed on existing goodi
see @ (col 5)
R 1-7-0

(Sd) F Puckle
Inam Commissioner
29-12-74

compared
G. H. "loop 37"

For Superintendent of
Mysore Revenue Survey
12.1.29

(G)

2065
Before the Government of His Highness the
Maharaja of Mysore.

muzy Appeal No. 17 of 1928.9

Appellant.

vs.

Respondent

Sambag Venkata Subbiah.
Bommavara, Denanahalli
Taluk.

Subject.

Appeal against the m.c.s
order directing the con-
firmation to the appellants
of the Hidurati hak of
wam Re. S. no. 103 endowed
to Viraksha matt at Bom-
vara Village, Denanahalli
Taluk. of the Subject to the
payment of the up-set
Value for the land, and
full assessment thereon

this case was heard on
6th April 1989 - Spl.
Venkata Subbaiah was
present.

Copy members' minutes on page
- "Inim" there are no grounds"
to rejected

memo *L.C. Reddy*

2666 End of file

8 28-11-89

Copy to the M.C.
with the records received
with his letter no. 329 of
1.10.88

B.O.

W.V.
D.B.) L.C. Reddy

A.G.
AS
1/6

(G)

Before the Government of His Highness the
Maharaja of Mysore.

Muzrai Appeal No. 17 of 1928-29

A
Sanbog Ve
Bommav

Subject.

Appeal against the Muzrai Commissioner's order directing the confirmation to the appellant of the Hiduvali Hak of Inam Re-Survey No.103 endowed to Virakta Matt at Bommavara village, Devanahalli Taluk, subject to the payment of the up-set value for the land, and full assessment thereon.

O r d e r .

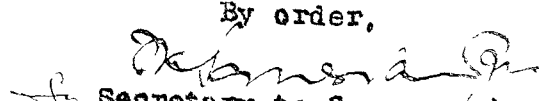
This case was heard on 6th April 1929. Appellant Venkatasubbiah was present.

There are no grounds to interfere with the orders passed by the Muzrai Commissioner. The appeal is rejected.

Memo No. 256 dated, Bangalore, the 28th May 1929.

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore with the records received with his letter No. 329 dated 1st October 1928.

C.R.G.3.

By order,

Secretary to Government,
Financial Department.
8/6

SUBJECT.....

201

Diary No. of letter replied to.....

Section

File No.

Serial No.

No.

667

General and Revenue Secretariat

()

To

the

192

Date of issue.....

29-5-29

Signed by.....

M. L. K. Somanna

192

st of enclosures.....

Copied by.....

18/5

Examined by.....

With ref. to his petition
no. 182 of 31. 7. 28 appealing
against the M.C.S. order
directing the confirmation
to the app. on stipulated
conditions, of the Hidarani
Hak of man Re. S. no.
103 entered to Virappa
matt at Bomma Vana
Village, Denanahalli
Taluk, Sanbag Venkatesh
Subbiah, of Bomma Vana
is informed that orders
have been issued accordingly.

On appeal that for as
that there are no grounds
to interfere with the order
passed by the M.C. and that
his appeal is ^{unavailing} rejected
B.O.

9/17/5
D.L. L.C. Secy
hys
lms